

S/N 09/934,113

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Clague P. Hodgson

Serial No.: 09/934,113

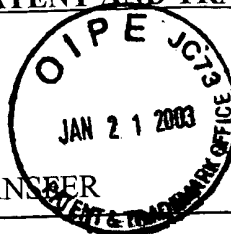
Filed: August 21, 2001

Title: VECTORS FOR GENE TRANSFER

Examiner: Unknown

Group Art Unit: 1633

Docket: 518.001US2



PETITION TO WITHDRAW HOLDING
OF ABANDONMENT UNDER 37 C.F.R. § 1.181(a)

Commissioner for Patents
Washington, D.C. 20231

Sir:

A Notice of Abandonment mailed on December 2, 2002 for the above-identified patent application (copy enclosed herewith) alleges that Applicant failed to respond to the Notice to File Missing Parts mailed on September 13, 2001. However, the Notice mailed on September 13, 2001 was a Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures. The Notice mailed on September 13, 2001 set a two-month period of response and noted that extensions of time may be obtained under the provisions of 37 C.F.R. § 1.136(a).

On November 13, 2001, Applicant filed a responsive reply, which included a Transmittal Sheet, a postcard, a Supplemental Preliminary Amendment, Sequence Listing, and a copy of the Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures (a copy of each is enclosed herewith) along with a Certificate of Mailing under 37 C.F.R. § 1.8. As proof of receipt of this correspondence by the U.S. Patent and Trademark Office (USPTO), enclosed herewith is a copy of the date-stamped postcard, which shows receipt on January 2, 2002. The delay in receipt by the USPTO of the papers filed on November 13, 2001 is likely due to delays in mail delivery by the U.S. Postal Service in late 2001. A postcard receipt which itemizes and properly identifies the items which are being filed serves as *prima facie* evidence of receipt in the USPTO of all items listed thereon on the date stamped thereon by the USPTO (M.P.E.P. §§ 503, 505).

Thus, Applicant respectfully submits that a responsive reply to the Notice mailed on September 13, 2001 for the above-identified application was filed in a timely manner.

Accordingly, the abandonment holding should be withdrawn and prosecution resumed as soon as possible.

It is Applicant's understanding that no fee is required for a Petition to Withdraw a Holding of Abandonment (see M.P.E.P. § 711.03(c)), and therefore no fee is enclosed. However, if a fee is deemed to be required, please charge it to Deposit Account No. 19-0743.

Respectfully submitted,

CLAGUE P. HODGSON,

By his Representatives,

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Date

January 15, 2003

By

Janet E. Embretson

Janet E. Embretson
Reg. No. 39,665

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Commissioner of Patents, Washington, D.C. 20231, on this 15 day of January, 2003.

Candis B. Buending

Name

Signature

Candis Buending